



# THE TRI-WEEKLY YEOMAN.

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T E R M S .

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## DEMOCRATIC STATE TICKET.

For Governor,  
BERIAH MAGOFFIN,  
OF MERCER COUNTY.

For Lieutenant Governor,  
LINN BOYD,  
OF M'CRACKEN COUNTY.

For Attorney General,  
ANDREW J. JAMES,  
OF FRANKLIN COUNTY.

For Auditor,  
GRANT GREEN,  
OF HENDERSON COUNTY.

For Treasurer,  
JAMES H. GARRARD,  
OF BOYLE COUNTY.

For Register of the Land Office,  
THOMAS J. FRAZIER,  
OF BREATHITT COUNTY.

Sup't of Public Instruction,  
ROBERT RICHARDSON,  
OF KENTON COUNTY.

Prest. Board Internal Improvement,  
JAMES P. BATES,  
OF BARREN COUNTY.

FOR CONGRESS,  
CAPT. WILLIAM E. SIMMS,  
OF BOURBON.

TUESDAY ..... JULY 5, 1859

This number of our paper was printed on Saturday evening, in order to allow the boys in the office to enjoy the glorious Fourth, and of course is not up with the news of the day. It has become a custom with newspapers to take holiday on the anniversary of the nation's independence, and we have followed the fashion.

**Letter from John M. Harlan.**

FRANKFORT, June 29, 1859.

To the Editor of the Louisville Democrat:

In the Daily Louisville Democrat of this day's date I observe the following paragraph:

"It appears from the Yeoman that Mr. Harlan, the Opposition candidate for Congress in the Eighth District, wrote a letter to the New Albany Tribune advocating the election of Morton, Black Republican, over Willard, in the gubernatorial contest. The Yeoman publishes the letter."

As your paper has a large circulation in the various counties composing this Congressional District, I desire to state through its columns that I am not the author of the letter referred to, or any other letter advocating the election of Morton over Willard.

I was never consulted in reference to, nor did I ever endorse or approve the writing of any such letter. I was not informed that such a letter would be written, nor that it had been written until some weeks after it was published in the Yeoman, which was near the close of the Presidential canvass of 1856. On the day the letter bears date, (September 12, 1856), I addressed a large crowd in Williamsburg, Whitley county, Kentucky, in favor of the election of Fillmore and Donnie son.

Will the Democrat as well as the Yeoman do me the favor to publish this card?

Your obedient servant,

JOHN M. HARLAN.

We publish the above, which came to us in an indirect way, to oblige Mr. Harlan. As he has requested us to publish it, a word of comment may not be out of place. We make no objection to the style or matter of this communication, but we must be allowed to state that we think it is given to the world at a remarkably late period. About three years ago the Yeoman first copied the famous Morton letter sent from this place to Mr. Gregg, editor of the New Albany (Ind.) Tribune, and relying upon the statement of the gentleman to whom it was addressed that it was the production of "Fillmore Elector in the State of Kentucky," we called upon John Harlan to come forward and deny that he wrote it.

He failed to do so in a public manner, so far as we are informed, and Mr. Gregg never, so far as we have heard, exonerated Gen. Harlan from the authorship of the letter, although the discussion upon the subject between the two newspapers at this place must have met his eye at the time, and although Mr. Harlan's organ expressed the belief, if not the wish, that he would make the correction. Mr. Gregg is now dead. To do justice to all parties, it is proper to state that shortly after the first publication of the Morton letter in the Yeoman, Mr. Harlan's brother, Col. W. L. Harlan, published a short card, claiming the authorship of the letter for himself; but Gen. John Harlan, as we infer, did not then think his supposed connection with a document advocating the election of Morton over Willard of sufficient importance to demand a denial over his own signature. If this remarkable conduct argues a change in the public sentiment upon charges of affiliation and sympathy with the Northern Black Republican party, we are glad to see it, and we cheerfully give Mr. Harlan the use of our columns to set himself right before the public. But he is remarkably slow in repudiating Morton.

Assuming that Col. Wm. Harlan wrote the Morton letter, we would like to know how the fact stated in that letter, that all the able men of Frankfort concurred in the sentiments expressed by the writer can be reconciled with the statements made in the communication at the head of these remarks. We admit that it can be done by supposing Gen. Harlan not to be of the number of able men at this place; yet he was making American speeches throughout the country as Assistant Elector for the State at large. We are willing to take Mr. Harlan's statement upon matters of a personal character concerning himself, from the respect we entertain for him as a gentleman, but certainly it was very natural to conclude that his brother, when he claimed the indorsement of his sentiments by the able men of this place, included in the number the prominent members of his own family.

The members of the Democratic National Committee have agreed upon the 2d of June, 1860, as the day for the meeting of the National Convention at Charleston to nominate candidates for President and Vice-President.

### Garrett Davis on Old-Line Whigs

We have heretofore published the correspondence between Simms and Davis, and now lay before our readers the entire article out of which the difficulty grew, as we find it in several of our Opposition exchanges. It will be seen, from a perusal, that Mr. Davis was very severe upon old-line Whigs generally, as well as upon Capt. Simms:

**Capt. Simms as a Whig.**—Capt. Simms is a very peasant and courteous gentleman, of fair talents and high aspiration; who has always availed himself a little above his full value. He was first a candidate for the house of the State Legislature in this county, in 1846. He was then a very decided and conservative Whig, and took strong ground against submitting to the people the question, whether a convention should be called to revise the constitution of the State. He was defeated. In 1849 he again became a candidate for the same place, and openly avowed his adherence to Whig principles and measures, and indeed assumed to be one of their champions.

He was elected, and at the ensuing session was made chairman of the House committee on "Federal relations." During the session he never wavered in his support of Whig doctrine and measures, and his fidelity to them was then above suspicion. In 1849, he aspired to represent this Senatorial district in the Legislature, and he impudently sought the Whig nomination for the place. The name of Capt. John Cunningham, a soldier of the war of 1812, a much older, and as true a Whig as Capt. Simms, or any other man, was presented for the same nomination. Not from any purpose to slight, or under-rate Capt. Simms, the Whigs of the county manifested a prompt and decided preference for the "war-worn veteran." Then, for the first time, did the Capt. manifest discontent, not with Whigism or the Whig party, but with that large majority of it in Bourbon county which had preferred Capt. Cunningham to himself; and for no other known cause, he suspended friendly relations with sundry gentlemen, both whom and himself the most courteous terms had previously subsisted.

In 1853, the Whigs of the district held a convention to nominate a candidate in opposition to John C. Breckinridge, who was a candidate for re-election, and in this we think his courage got the better of his discretion, for though I am far from believing Mr. Breckinridge to be the great man which his friends proclaim him, yet I thought, and I still think, he would have given our Capt. a terrible overthrow. So thought the convention. Capt. Simms became more eager and importunate for this nomination than he had been, for any previous one. He strongly solicited many Whigs personally for their support. He importuned delegates to attend the convention and to work for him, and urge his claims upon it, and some of them good naturally promised him to do so, and they faithfully redeemed that promise. But the convention thought it wise not to then run Capt. Simms, and Governor Lettice fairly, and by a large majority, was nominated over him. Capt. Simms' honor, his fidelity to his party and the principles which he professed, and also to the political and personal friends whom he had prevailed to go into convention and urge his nomination, all required him to support and vote for the nominee; for he and his friends were impliedly, but in the strongest manner, pledged that he should. Even among blacklegs, if one put up his stake intending to take all if he win, he would not be tolerate! by that class of gentry, much less by the honest part of the world outside of it, to snatch up his stake. I profess a sincere personal respect for Capt. Simms, which I would not profess if I did not feel; and both my personal and political regard for him caused me to regret that he did not, and that he could not be induced to vote for Gov. Lettice. I suppose that Capt. Simms then became fully satisfied that his ambitious hopes would not soon be realized in the party which he belonged, and he then silently determined to go over to the camp of that enemy against whom he had warred from his earliest manhood, and fight for higher pay than he was receiving from those who were struggling to bring the principles which he professed into the ascendant. Capt. Simms did not vote between Morehead and Clark, but in the ensuing campaign he went over to the enemy, horse foot and dragoons, to fight for Buchanan, and then became Editor of the "Flag."

**Captain Simms against Governor Morehead.**—Capt. Simms did not vote for Morehead against Beverly Clark, four years ago. No Governor has ever given the people of Kentucky a better administration of their government than Morehead, and yet Capt. Simms has not sustained it. Will men who voted for Morehead, and who approve his administration, vote for Capt. Simms?

**Capt. Simms Reverences the Memory of Henry Clay.**—Capt. Simms, in his speech on Thursday last, declared that there lived no man, who held the services, the character, and the memory of Mr. Clay in greater regard and reverence than he did. "Linn Boyd, a hoary old Locofofo, was one of the bitterest traducers and revilers of Mr. Clay up to the time of his last sickness and death. In 1844, Boyd was the last of the caumulators of the great statesman of Ashland, who revived and reiterated in Congress the stale charge against him of bargain, sale and corruption in the election of John Q. Adams to the Presidency. Yet Capt. Simms voluntarily with drew his name as a competitor of Boyd for the Democratic nomination for Lieut. Governor, and who approved his administration, vote for Capt. Simms?

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**Capt. Simms on Know-Nothings.**—Captain Simms denounced the Know-Nothing party, as he termed it, and its nomination of A. K. Marshall for Congress. Has the Captain any friend "new or old" who doubts that if the Know-Nothing Convention had tendered that nomination to him, on condition that he should become a member of that order, that the Captain would have accepted the terms in double quick time, and have become a follower of "Sam?" If there be such a friend he is a green one.

**Capt. Simms and the Old-Line Whigs.**—Captain Simms said in his speech in Paris, that he was supported by as good and true old-line Whigs as there were in the county, and in a subsequent part of it, that he had been a Whig on principle. Benedict Arnold signalized his support of the American Whig cause in the Revolutionary War on Lake Champlain, before the walls of Quebec, and in the plains of Saratoga. He afterwards offered to sell the American army post at West Point to King George the III, and then went over to the enemy. There were good old-line Whigs who voted for Buchanan. But they did not swallow the Cincinnati Democracy platform—a platform that reiterates every former Democratic heresy and measure which it fulminated; it used Democratic denunciation against every old Whig principle and measure. The Captain and the old-line Whigs who carry the Cincinnati platform in their ranks and support him, are such Whigs as Arnold was after he had fled to the British camp.

**The State Government—Its Importance.**—One error with all political parties in Kentucky is, that they give an undue importance to the administration of the government of the United States over that of their own State. It is of more importance to the people of this State to have their government well administered than even to have a good administration of the United States government. There are a few Old-Line Whigs who would not concede that the administration of the government of Kentucky, on the old relief and organizing principles, would be a greater curse to the people of this State than have been the administration of Polk, or Pierce, or even Buchanan. One would suppose that with every true Old-Line Whig, the first political desire would be to have a good and true Old-Line Whig Governor of the State. Well, here is Joshua F. Bell, just such a Whig, agreeing with Capt. Simms on the Leavenworth question, and also in opposition to "the Know-Nothing" organization. Who doubts that if a desire for office had never entered into, and was not now in the heart of Capt. Simms, that he would be for the "Old-Line Whig" Joshua F. Bell, and against the wool-dyed Locofofo, Beriah Magoffin?

**The Kentucky Democracy and Squatter Sovereignty.**—Capt. Simms avowed that he was dissatisfied with the Whig party and afterwards with the American party, because of their inclination to fraternize with the free-soilers of the North who were against protecting slavery.

Van Buren, Chase, Sumner, King, Wilmot, and

legion of the free soil leaders, were original Democrats. The whole Democratic party of the free states are now for giving slavery in the Territories to the unfriendly legislature of squatters, and non-intervention in Congress; and yet Capt. Simms has hitched himself on to that party. The Democratic leaders and organs in Kentucky know that the Democratic party cannot hold possession of the U. S. government, and all its offices and its continually plundered treasury, without the alliance of the non-intervention squatter sovereign party of the free States and all their profligate and disgusting twisting and wriggling throughout the State at this time, is to sacrifice much of the proper protection to slave property as will enable them to hold alliance with their free soil allies, and yet not drive off the mass of their party at home. Never was there a more venal surrender of principle.

**Capt. Simms as a Whig.**—Capt. Simms is a very peasant and courteous gentleman, of fair talents and high aspiration; who has always availed himself a little above his full value. He was first a candidate for the house of the State Legislature in this county, in 1846. He was then a very decided and conservative Whig, and took strong ground against submitting to the people the question, whether a convention should be called to revise the constitution of the State. He was defeated. In 1849 he again became a candidate for the same place, and openly avowed his adherence to Whig principles and measures, and indeed assumed to be one of their champions.

He was elected, and at the ensuing session was made chairman of the House committee on "Federal relations." During the session he never wavered in his support of Whig doctrine and measures, and his fidelity to them was then above suspicion.

In Kentucky, heretofore, everybody was for

protecting slave property in the Territories, and

such is yet the sentiment and determination of

the great mass of the people. But the people on

the other side of the Ohio river occupy the op-

posite position, and the Buchanan leaders of Ken-

tucky are attempting to straddle that river, and

to hold one foot on the pro slavery ground of their

own State, and to plant the other upon the free-

soil ground of the free States. Their object is

to gull the public, and to continue an unprincipled

combination with the free-soilers to enable them

to divide between themselves for the future, as

they heretofore have done, the offices, jobs, and

treasurers of the

United States.

They have ever been a party in the nation in

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## THE TRI-WEEKLY YEOMAN.

DECISIONS  
OF THE  
COURT OF APPEALS OF KENTUCKY.

Reported expressly for the Yeoman by CHARLES F. CRADDOCK, Attorney at Law, Frankfort, Ky.

Hutchings' *devisees* Appeal from Bourbon  
vs. Circuit Court.

A short statement of this case appeared last week; but a more full report being desired, is now given:

Pending the motion to record the will of Richard Hutchings, of Clarke county, Charles Eginton, one of the counsel for the will, was, by consent, first appointed curator, and subsequently administrator of the estate. The devisees reviewed the allowances made by the Clarke County Court in the Bourbon Circuit Court, and which were *there* sustained; the fee as counsel for the will was also, by consent, determined in the same case, upon both of which points the devisees appealed.

The court, per Judge Duvall, *held*—

That the judgment is erroneous, because, by the Civil Code, (Sec. 153) and as decided 14 B. Mon., 395, and 18 B. Mon., 229, allegations of damage cannot be taken as true for want of answer and denial, but must be tried by jury.

The whole judgment must be reversed because it is an *entirety*. "It cannot be permitted to stand as to the land and be reversed as to the damages."

Judgment reversed.

on the objections to the trial. (*Hood vs. Owley, M.S. Opinion, June, 1857.*)

Judgment reversed.

Williams } From Grant.

O'Hara } From Grant.

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Judgment reversed.

[From the Washington Constitution.]

Law and Order.

If there be any one living for which President Buchanan is entitled to more honor than another, it is for the unflinching steadiness with which he has always insisted upon the observance of the Constitution and obedience to the laws. This is, indeed, the first duty of his great office, the main purpose of the power placed in his hands, and the prominent obligation imposed upon him by his inauguration oath. Since the beginning of his administration the assaults of lawlessness and rebellious traitors against the government have been more open, more impudent, and apparently more dangerous, than they ever were in the previous history of the country.

First and foremost, this spirit made its appearance in the notorious document signed by the forty clergymen of Connecticut calling upon the President to abandon his duty, and to leave the laws unexecuted in Kansas. This would have left an open field to the murderous marauders whom Beecher and others sent there armed with Sharpe's rifles to play their bloody trade. But the President stood squarely up to his work and rebuked his adversaries not only by an unanswerable reply, but also by preserving the order of the Territory, and saving hundreds of lives which would else have been sacrificed.

In the Southwest one attempt after another was made to trample down the neutrality laws, and carry on war for the advancement of private purposes against a country with which the United States were in relations of profound peace. Aided by an upright and fearless judiciary, or through the power of the navy, the President overthrew each one of these unprincipled enterprises.

The African slave trade was re-opened in direct violation of the law which forbade it. The utmost exertion of the Federal government was used to punish the crime, and to prevent its repetition. It humiliates us to confess that the offenders, or most of them, have escaped, not from any defect in the law, not from want of executive energy, nor for lack of judicial integrity, but from the unwillingness of jurors in Georgia and South Carolina to perform their manly duty.

At all events, the skirts of the President are free from the spot which would stain them if he had failed to put forth all the power and influence he had.

In some parts of the country, especially in the Northwest, there was reason to fear that the local judiciary were determined in certain cases to oppose the authority of the Federal government. It was known that in Wisconsin the Supreme Court of that State had opened the prisons and set at large criminals convicted under the laws of the United States, and sent its officers to interfere with the administration of justice in the Federal Courts. Ridiculous as were the pretensions on which this conduct was grounded, the marshal of the United States, being at the moment without any instructions upon the subject, yielded to the demand of the State Judges. This brought the case of Ableman vs. Booth into the Supreme Court of the United States, where the whole subject was thoroughly examined, and the great old man at the head of that tribunal adds another to his long list of claims upon the public gratitude by an opinion which settles forever the relations between the Federal and State authorities.

Very recently the laws of the United States were defied by a band of fanatics at Oberlin, Ohio. But they were arrested, tried, and convicted. The Governor attempted to interfere with the authority of the State court between these criminals and the tribunal which had jurisdiction of their offense. It was feared for a moment that the Judges of the Supreme Court of Ohio would follow the footstep of their Black Republican brethren in Wisconsin; for Abolitionism, whether on the bench or elsewhere, seems all the more to which it is not compelled by its fears to submit. It was under these circumstances that the subjoined letter was written. It will be observed that President Buchanan has defined, clearly and distinctly, the position which his officers are hereafter always to occupy in such cases. They will avoid all cause of offense, give no excuse for collision with the authorities, but execute the laws of the United States firmly, and submit to no manner of interference upon any pretence whatsoever. The day has therefore gone by when State Judges can be permitted to thrust themselves into the business of the Federal tribunals. We commend the letter of the Attorney General to the persons of all who desire to know how far the United States courts are going to be sustained by the Executive against State officers who come upon them with *bona fide* process from State courts.

The great object of the President in all these cases, and the leading principle which pervades his message and other public papers, has been to sustain the States in all their just rights, and refer every question of domestic concern to their determination, while at the same time he preserves the powers of the General Government in their whole Constitutional vigor.

The result of the President's firm action was a complete triumph of legal authority over the desperate and bad men who opposed it. The criminals were convicted and sentenced to the punishment which their offenses deserved. The State court at Columbus struck back step by step from the grave responsibility of authorizing the first blow to be struck in a civil war, and the Governor, after rousing up this mob feeling of hatred to the laws for many years, a last came forth to counsel submission, order, and obedience. Six thousand Black Republicans assembled at Cleveland with threats to tear down the jail and do other violent things. But they took it out in impotent railing and empty abuse. They cursed and blasphemed the Government which has done more for the human race than any other in ancient or modern times, and then retired each to his respective home. The Governor who had taught them to defy the law with their lips advised them to be careful how they raised their hands against it, and then he also retired from the scene.

A CANDIDATE—W. S. Elam, Esq., so long and so favorably known in this community, is the regular candidate of the Democratic party for a seat in the lower House of the next General Assembly of Kentucky. He is the candidate by consent of *all our party*—there is not one dissenting voice. Let us see if the "Elements of Opposition" can defeat Wm. S. Elam, whose whole political life has been devoted to the cause advocated by Washington, Jefferson, Jackson, and all the other Democratic patriots who have occupied the Presidential chair. Wm. S. Elam will represent Henderson county in the next Legislature. *Mark the prediction.* Everybody is for him, and so are we. More anon.

HENDERSON Reporter.

(From the Bardstown Democrat.)

Q.T. Lovely Jones and his "iweepo-woachie woach" have been nominated as the O. K. N. candidate for Congress in the 10th district. We give below his highly "entertaining and instructive" letter of acceptance. It is as follows:

NEWPORT, Ky., June 17th, 1859.  
Gentlemen: Your letter is received. I accept the nomination.

THOS. L. JONES.

[From the Lexington Statesman.]

Mr. Magoffin at Georgetown.

We were surprised to find in the Frankfort Commonwealth so gross a perversion of facts as is contained in the following paragraph:

"When Mr. Magoffin arose to reply, he was so crushed with the sense of the overwhelming defeat he had sustained, and so mortified by the contrast between the reception given to himself and that extended to Mr. Bell—and that, too, in the strong Democratic county of Scott—that, unable to answer or to avoid the charges of dishonesty and corruption and a shameless desertion of the constitutional rights of the South preferred against his party and himself by Bell, he gave way to a violent and unseemly fit of passion, denouncing his audience for applauding his opponent, and venting his spleenetic but impotent rage in a coarse and unprovoked attack upon the Frankfort gentlemen present, and upon the opposition of this city generally."

This statement is untrue, and does Mr. Magoffin gross injustice. When he arose to reply, he met the insults which the Opposition not unfriendly offer to Democratic speakers. Hisses and cries of "take him out," uttered not by the crowd, but by certain ill-behaved Know-Nothings, were the provocation which drew from him a most scathing rebuke to those who were guilty of the disgraceful conduct. His indignation at such insults was not surprising, nor were his remarks a whit too severe for the offense. Under the impression that the indignation thus wantonly offered him, emanated from residents of Frankfort, Mr. Magoffin directed his censure to that quarter. We did not recognize the voices of the disorderly persons, and do not know who were the offenders; they may or may not for aught we know have been residents of that place, but whenever they were, or wherever resident, we trust the deserved castigation will improve their manners in future.

There were gentlemen from Frankfort at Georgetown, whom we know to be incapable of such conduct, and we are gratified to learn from the Commonwealth that to these Mr. Magoffin has, as was right, disavowed any reference. But it was not the justice or injustice of the personal direction given to his remarks by Mr. Magoffin that induces this notice of the paragraph of the Commonwealth. It is the *inexcusable concealment* by that paper of the offense which elicited the remarks of Mr. Magoffin, and the *misstatement* of the provocation offered him. It was not the applause given to his audience, nor because "certain gentlemen had the presumption to attend the debate and testify by plaudits their approbation of Mr. Bell," that Mr. Magoffin administered a rebuke to the Frankfort party and others. He did not "denounce his audience for applauding his opponent." A gross and wanton personal offense was offered him, and he characterized the act and rebuked the offenders in a manner amply justified by the provocation. *The insult to him self, and not the applause of his competitor, were the subject of his remarks and the cause of his severe language.* If he attributed the disorder to the "Frankfort party" in terms so general as not to admit the exception of those present who he knew were not guilty, it was right that he should regret to them the injustice done them. But up to those who were guilty, yet rest the imputations he did not hesitate to make. We have never seen in the Commonwealth, and rarely in any partisan journal, such gross injustice to a political opponent, at the expense of facts so notorious.

The disposition to interrupt by disorderly cries Democratic speakers, is characteristic of the Opposition. It is a remnant of that spirit of violence and mobocracy which controlled the Know-Nothing order, and traced its march through the country in fire and blood. It is unjustly ascribed to boys, when it is well known men engage in the disgraceful practice, to whom it is well enough occasionally to administer such castigation as to the man who is willing to trust the duty of *protecting slavery*—Lex. Statesman.

Ben C. Cissell.—We announce this gentleman, by authority, a candidate to represent the district comprising Hopkins, Union, and Crittenden counties, in the next Senate of Kentucky. Mr. Cissell was for many years an active Whig, but became convinced that he was in a wrong position, and like an honest man, bold and openly espoused the eternal principle constituting the creed of the Democratic party, and has for a considerable time been doing yeoman service in their behalf. The Democracy of his district are no doubt very proud of his accession to the candidacy for the Senate. He is a most industrious, clear headed man, and in point of actual oratorical power and intellectual acquirement, ranks with the most eloquent and the wisest men in the Commonwealth. He will be elected by a large majority, there is no room for doubt. Such men always command respect, wield influence, and do good service in the general assembly of the State.

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MAINE DEMOCRATIC STATE CONVENTION.—BANGOR, Me., July 1. The Democratic State Convention, which met here yesterday, nominated Manassas Smith (Administration) for Governor. The vote stood—Smith (Administration) 304; Smart (Douglas) 284; scattering 85. The delegates to the Charleston Convention were George Shipher and E. Wilder Farley (Administration), and A. W. Roberts and Bion Bradbury (anti-Administration).

AT OUR RISK AND EXPENSE, from any city or town where they have an office. The money and order must be inclosed in a "GOVERNMENT POST-OFFICE STAMPED ENVELOPE," or the Express Company cannot receive them.

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